

REMARKS

Applicant thanks the Examiner for the thorough consideration of the present application. Claims 3-11 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth below.

Rejection Under 35 USC 112

Claims 3-11 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The Examiner points out that the phrase in claim 11 “a battery detachably attached in the recess in the case so as to be upwardly projected from the recess in an upper portion of the battery” is not disclosed in the specification. By way of the present amendment, Applicant has rewritten this phrase to match the disclosure found on page 4, lines 8-12 of the original specification. Claim 11 now states that the battery is resiliently held in the recess of the case. This corresponds to page 4, line 9, which says that the battery 8 is resiliently held. Page 4, lines 5-6 describe the circular recess of the case. Of course, Figs. 2 and 4 show that the battery is located in the recess. In view of this, Applicant submits that all of the claims are now supported by the specification and that this rejection is overcome.

Claim 11 stands rejected under 35 USC 112, second paragraph, as being indefinite. The Examiner points out that the specification describes a relationship between the sound generating device and the case in different language in three locations. Applicant disagrees with the Examiner in regard to the first occurrence on page 2, line 23. This was amended by way of the Amendment of September 17, 2004 to recite “in the case.” By way of the present amendment, Applicant has amended the language on page 2, line 28 to also state “in the case.” Thus, all three occurrences now recite the same language. Accordingly, this part of the rejection is overcome.

The Examiner also points out that claim 11 recites that the case has a cubic shape which is not taught in the specification. Applicant has now removed the language relating to the cubic shape from claim 11. Accordingly, this rejection is also overcome.

Conclusion

In view of the above remarks, and in view of the Examiner's statement that the previous rejections have been withdrawn, Applicant submits that the application is now in condition for allowance. Accordingly, reconsideration of the rejection and allowance of all of the claims are respectfully requested.

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Respectfully submitted,

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